

# DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **APERTURE PLATE AND METHODS FOR ITS CONSTRUCTION AND USE** the specification of which      is attached hereto or **X** was filed on September 9, 1999 as Application No. 09/392,180 and was amended on                      (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

## Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

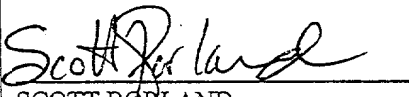
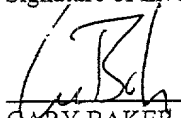
Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status

Full Name of Inventor 1:	Last Name: <b>BORLAND</b>	First Name: <b>SCOTT</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>San Mateo</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>25 McAker Court, #135</b>	City: <b>San Mateo</b>	State/Country: <b>California</b>	Postal Code: <b>94403</b>
Full Name of Inventor 2:	Last Name: <b>BAKER</b>	First Name: <b>GARY</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>Mountain View</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>1375 Montecito Avenue, #52</b>	City: <b>Mountain View</b>	State/Country: <b>California</b>	Postal Code: <b>94043</b>

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  SCOTT BORLAND	Signature of Inventor 2  GARY BAKER
Date 10/22/99	Date 11/3/99

DE 7004375 v1

POWER OF ATTORNEY BY ASSIGNEE

AEROGEN, INC. is the Assignee of the invention entitled: APERTURE PLATE AND METHODS FOR ITS CONSTRUCTION AND USE, the specification of which \_\_\_\_\_ is attached hereto or X was filed on September 9, 1999 as Application Serial No. 09/392,180.

Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Lesley S. Craig, Reg. No. 26,578  
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 Chad S. Hilyard, Reg. No. 40,647  
 Roger T. Barrett, Reg. No. 41,599  
 William F. Vobach, Reg. No. 39,411  
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 (Name, reg. no., tele. no.)

Darin J. Gibby  
 Reg. No.: 38,464  
 303/571-4000

AEROGEN, INC.

Date: NOV. 17 1999

By: Yehuda Ivri  
 (Signature)

Name: Yehuda Ivri  
 Title: Chief Technical Officer

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Applicant: Scott Borland and Gary Baker

Application No.: 09/392,180

Filed: September 9, 1999

For: APERTURE PLATE AND METHODS FOR ITS CONSTRUCTION AND USE

AEROGEN, INC., a Delaware corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is assignee of the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: October 22, 1999

Name: Yehuda Ivri

Title: Chief Technical Officer

Signature: 

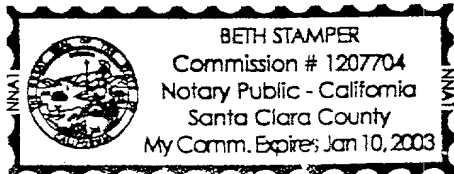
DE 7006184 v1

## JOINT

COUNTY OF

On November 3, 1999, before me, Beth Stamper, Notary Public, personally appeared Scott Borland, personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument, and acknowledged to me that ~~he~~ she executed the same in ~~his~~ her authorized capacity, and that by ~~his~~ her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Beth Stamper  
NOTARY PUBLIC

My Commission Expires: Jan 10, 2003

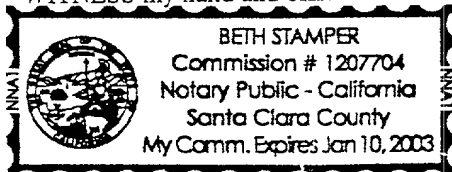
Dated: 11/3/99

Gary Baker  
Gary Baker

STATE OF CALIFORNIA     )  
  )     ss.  
COUNTY OF                     )

On November 3, 1999, before me, Beth Stamper, Notary Public, personally appeared Gary Baker, personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument, and acknowledged to me that ~~he~~ she executed the same in ~~his~~ her authorized capacity, and that by ~~his~~ her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Beth Stamper  
NOTARY PUBLIC

My Commission Expires: Jan 10, 2003